

SN. 10/634,727

ATTORNEY DOCKET No. K101:031

REMARKS

This second Amendment after final is substantially identical to the unentered first Amendment after final Filed on 20 June 2005. Only allowed and allowable claims 4-7 and 11-14 are now pending in this application for which applicants seek reconsideration.

Claims 1-3 and 8-10 have been canceled, and allowable claims 4-6 have been placed in independent form. In addition, new claims 13 and 14 have been added. New claim 13 corresponds to claim 5 depending on allowable claim 4, and new claim 14 corresponds to claim 6 depending on allowable claim 7.

Claims 7, 11, and 12 have been allowed, and claims 4-6 have been indicated to be allowable if they are placed in independent form. As claims 4-6 have been placed in independent form, they are in condition for allowance.

Reply to Advisory Action

As to claims 4-6, the paragraph "wherein said transmission mechanism includes a primary pulley, a secondary pulley, and a belt for transmitting power from the primary pulley to the secondary pulley" has been moved next to the first recited element (transmission mechanism) to provide proper antecedent basis for "said primary pulley." This removes the antecedent problem identified in the Advisory Action.

As to claim 7, which has not been amended in the Amendment after final, the Advisory Action states that claim 7 does not incorporate all the limitations of the base claim (1) and the intervening claim (3 or 6). Applicants disagree with this assessment. Claim 7 fully incorporates claims 1 and 3. The last paragraph of claim 1 recited "wherein said engine torque control section controls torque of said engine according to the discharged torque calculated by said discharged torque calculating means," whereas the last paragraph of claim 3 recited "wherein said engine torque control section controls torque of said engine according to the friction discharged torque calculated by said friction discharged torque calculating means." [Emphasis added]. The last paragraph of claim 3 merely modifies the last paragraph of claim 1 by adding the word "friction." The last paragraph of claim 3, which is included in claim 7, fully encompasses the limitation of claim 1. Accordingly, there is no need to repeat the last paragraph of claim 1.

As to claims 11 and 12, the Advisory Action states that claims 11 and 12 failed to incorporate the limitations of the base claims and the intervening claims. Applicants submit that claims 11 and 12 have not been amended by any Amendment after final. Accordingly, it is improper for the examiner to address the merits of claims 11 and 12, as well as claim 7, in the

SN. 10/634,727

ATTORNEY DOCKET NO. K101:031

Advisory Action. Further, applicants did not indicate that claims 11 and 12 include all of the limitations of any allowable claim. If the examiner has any meritorious issue with these claims, then the examiner should reopen prosecution. It is clearly improper to refuse entry of any amendment after final based on such grounds. Indeed, the examiner agreed during the telephonic interview of 27 July 2005.

Applicants submit that pending claims 4-7 and 11-14 are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

ROSSI, KIMMS & McDOWELL LLP

08/17/05
DATE


MARC A. ROSSI
REG. NO. 31,923

P.O. Box 826
ASHBURN, VA 20146-0826
703-726-6020 (PHONE)
703-726-6024 (FAX)